

REMARKS

The Office Action mailed February 20, 2008 has been carefully considered. Within the Office Action Claims 46-50, 52-55, 85, 87, 88, 94, 95, 97 and 98 have been allowed.

Additionally, Claims 104, 106, 107 and 113 have been rejected. Further, Claims 86, 89-93, 96, 99-103, 105 and 108-112 have been withdrawn. Applicants have amended Claims 104 and 113 and have rejoined withdrawn Claims 86, 89-93, 96, 99-103, 105 and 108-112. Reconsideration and allowance of the case is respectfully requested.

Rejection under U.S.C. § 103

Claims 104, 107 and 113 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,808,603 to Chen in view of JP Patent Publication No. 09-026850 to Ozaka et al. The Applicants respectfully traverse.

In determining obviousness, four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (“ Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**”) (emphasis added).

Claim 104 recites, among other things, an actuator coupled to the moveable portion of the housing, the actuator having an eccentric mass and configured to actuate the eccentric mass to output an inertial haptic force to the moveable portion in response to an actuating signal from the computer device, wherein the actuator controls the amount of rotation of the eccentric mass in response to a measured amount of rotation of the eccentric mass upon receiving the actuating signal.

Additionally, Claim 113 recites, among other things, means for producing an inertial haptic force to the moveable portion, the means for producing having an eccentric mass rotated about a shaft in response to an actuating signal from the computer device, wherein the means for producing controls the amount of rotation of the eccentric mass in response to a measured amount of rotation of the eccentric mass upon receiving the actuating signal.

The combination of Chen and Ozaka does not teach or suggest each and every element/limitation in Claims 104 and 113 in establishing a *prima facie* case of obviousness. In particular, Ozaka only discloses that the eccentric mass is rotated. There is no mention in either Chen nor Ozaka that the amount of rotation is controlled in response to a measured amount of rotation of the eccentric mass about the shaft, as recited in Claims 104 and 113. For at least these reasons, Claims 104 and 113 are allowable over Chen and Ozaka. Claims 106 and 107 are allowable for being dependent on allowable base claim 104.


It should be noted that the limitation added Claim 104 and 113 is similar to the limitations in allowed Claims 46 and 94. Accordingly, the amendments to Claim 104 and 113 will not require a new search and thus do not require a Request for Continued Examination. In addition, Applicants have rejoined Claims 86, 89-93, 96, 99-103, 105 and 108-112 from withdrawal and allowance of rejoined Claims 86, 89-93, 96, 99-103, 105 and 108-112 is respectfully requested along with allowance of Claims 104, 106, 107 and 113.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

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Respectfully submitted,
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